

United States District Court
Southern District of New York
United States of America

V.
JUAN NAVARRO
Defendant

CASE NO. 20-CR-502-1 (KMK)

[EMERGENCY motion in support
of sentence modification
Pursuant to 18 U.S.C § 3582(c)
2]

Southern District of New York } SS :
In the state of New York }

Affirmation

JUAN NAVARRO Defendant / Affiant, pro se, pursuant
to 28 U.S.C § 1746, hereby being duly sworn, deposes
and affirms:

Preamble

1. JUAN NAVARRO, here after (Petitioner) named in the
above entitled style and number caption serving 60 months
sentence in Lewisburg Satellite Camp in Pennsylvania. Based
on my own recollection of events, I'm competent to attest
to the material facts ascertained in this affidavit -
motion as it relates to Lewisburg FCI / BOP computation
of sentence pursuant to court order dated 2/16/24.

2. Pursuant to 18 U.S.C § 3582(c) this Honorable court
granted petitioner a sentence reduction of 6 months,
taking the courts initially imposed sentence of 66 months
to 60 months.

3. To date more than a year from the courts ruling Lewisburg FCI/BOP has not provided petitioner with an updated sentence computation to reflect his reduction in sentence.

4. Every "team" meeting with case manager (Mr. Rich), after reduction was granted Petitioner attempted to get his sentence computation corrected only to be told nothing needed to be done on his end he's aware of the court order his date will be updated.

4. Considering Lewisburg FCI/BOP's failure to update Petitioner's sentence computation, not adhering to this honorable courts instructions provides a clear and positive showing of futility exhaustion must be waived. See *Rose v. Lundy*, 455 U.S. 509, 516 N.7 102 S.Ct. 1198 71 L. Ed. 2d

5. Petitioner is humbly requesting the court to intervene to preserve its previous ruling in granting his 6 month sentence reduction by ordering his sentence to time served with a modification of supervised release to include home confinement to an amount of time this honorable court deems necessary, 18 U.S.C § 3582(C)(1)(A)(i)

Argument

6. Considering Lewisburg FCI / BoP HAS ignored this Honorable courts ruling in providing petitioner a 6 month reduction in sentence the court should grant relief pursuant to 18 U.S.C § 3582(c)(1)(A)(i)

Legal Standard

Under 18 U.S.C § 3582(c)(1)(A), Congress permits District Courts to exercise discretion to reduce a term of imprisonment and "impose a term of probation or supervised release with or without conditions" if, 1) the incarcerated movant meets administrative exhaustion requirements, 2) "extraordinary and compelling reasons" warrant a reduction, 3) the reduction would be consistent with any applicable policy statements issued by the sentencing commission and 4) the applicable sentencing factors under 18 U.S.C § 3553(a) warrant a reduction.

7. Petitioner asserts Lewisburg FCI / BoP's failure to timely comply with this Honorable courts ruling provides "extraordinary and compelling" reason to warrant relief under 18 U.S.C § 3582(c)(1)(A).

8. The Bureau of Prisons refusal to comply with this court's ruling leaves petitioner without the benefit to fully participate in reentry programs and transitional services such as home confinement.
9. Petitioner being less than 6 months away to what should be his statutory release date, Lewisburg FCI/BOP hasn't updated his sentence computation or had him sign a referral packet for pre-release custody. Without court intervention the likely event is Petitioner staying past his statutory release date in [carceral] custody.
10. Considering Petitioner has now served 46 months of his 51 month sentence (after good time) a reduction in his sentence at this juncture will still allow the court to impose a sentence sufficient, but not greater than necessary.
11. The same relevant section 3553(a) factors that weighed in Petitioner's favor for this Honorable court to grant relief under 18 U.S.C § 3582(c)(2) also supports relief under 18 U.S.C § 3582(c)(1)(A)

12. Based on all the above, the Court should now impose a reduced sentence sufficient but not greater than necessary in compliance with section 3553(a), to promote respect for the law, provide just punishment for the offense, and protect the public from further crimes. See *United States v. Kimbrough* 128 S.Ct 558, 570 (2006) 'holding that section 3553(a) "as modified by Booker, contains an overreaching - instructing district courts to impose a sentence sufficient, but not greater than necessary to accomplish the goal at sentencing",

13. In writing this petition pursuant to 18 U.S.C § 3582(c)(1)(A), Petitioner was denied access to Law library, Copy machine, and typewriter as the entire CAMP population here at Lewisburg FCI has been on lockdown for 3 weeks and counting. Despite the unwarranted group punishment placed on petitioner hopefully I was still able to bring forth an argument based in the plain language of 18 U.S.C § 3582(c) and relevant case law,

Conclusion

Petitioner knows the Lord hears when you pray and responds when you pray for this reason asking this court to provide the relief he seeks.

Declaration

I hereby declare under penalty of perjury that the above statements of fact are true and correct to the best of my knowledge 18 U.S.C § 1621(2)

Respectfully submitted
Juan Navarro
3/16/25

The Motion for Re-computation of the sentence is denied as moot. As the Government notes in its response dated April 1, 2015 (see Dkt. No. 65), BOP has recalculated Mr. Navarro's sentence based on the Court's order of February 19, 2024 to reduce his sentence from 66 to 60 months' imprisonment. The Motion for Compassionate Release also is denied. Mr. Navarro offers no compelling reasons for an early release and the Court concludes that any further reduction would not be appropriate after consideration of the Section 3553(a) factors. In particular, a further reduction would dilute respect for the law, given the seriousness of the criminal conduct, and adversely affect general deterrence.

So Ordered

4/9/25

(6)

Inmate Name: JUAN NAVAS
Register Number: 86111-0574
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA 17837

USM
S.D.N.Y.

